THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.8781 OF 2006

DATED: 08TH SEPTEMBER, 2006.

Between :

Gadde Ramakrishna .. Petitioner

And

1. The Agent to Government, District Collector, West Godavari District, Eluru; and another. .. Respondents

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ORDER :

Heard the learned Counsel for the petitioner and the learned Government Pleader for Social Welfare appearing for the respondents.

The 2nd respondent – Special Deputy Collector (Tribal Welfare) passed an order dated 11-5-1999 in S.R.No.393 of 1998 directing ejectment of one Gadde Somaraju from Ac.5.00 cents of land situated in R.S.No.256 of Ganapavaram villadge, Buttaigudem Mandal, West Godavari District in exercise of powers under Section 3 (1) (a) of the A.P. Scheduled Areas (Land Transfer) Regulation 1 of 1959.

The petitioner claims title and possession in respect of Ac.5.00 cents of land situated in RS.No.256/10 of Reddiganapavaram village, Buttaigudem Mandal, which was acquired by his father-in-law prior to the commencement of the Regulation 1 of 1959.

It is alleged that while passing the order of ejectment in SR.No.393 of 1998 petition schedule land was wrongly shown as situated in RS.No.256 instead of RS.No.1, due to which he was not allowed by the tribals in the village to cultivate the land in his occupation. Hence, he approached the Agent to the Government, the appellate authority, by filing a petition and on the basis of the same, the Agent to the Government, vide proceedings dated 20-10-2005 directed the Special Deputy Collector (TW), to verify the records and rectify the defect if any in the ejectment order. It is contended that in spite of the same, the 2nd respondent failed to take any action to rectify

the defect and the said inaction on his part is arbitrary and illegal. Hence, this writ petition.

In the counter-affidavit filed by the Special Deputy Collector (TW), the plea that the Agent to the Government issued proceedings dated 20-10-2005 with a direction to verify the records and rectify the defect if any in the matter is denied. It is further stated that the petitioner never made any application before the Special Deputy Collector (TW), and that the writ petition is misconceived and the relief as prayed for cannot be granted.

As can be seen from the material on record, S.R.No.393 of 1998 was allowed in the year 1999. Though the petitioner was not a party to the said proceedings, it appears that he deposed as a witness on behalf of the respondent therein.

Be that as it may, the petitioner herein now virtually seeks rectification / amendment to the schedule of land which was the subject-matter of SR.No.393 of 1998. If that be so, he ought to have made an appropriate application seeking amendment / review before the Special Deputy Collector (TW) who passed the order in S.R.No.393 of 1998, in which event, same would have been considered in accordance with law. Without taking any such steps, the petitioner ought not to have approached the Additional Agent to the Government who is the appellate authority. As a matter of fact, the Special Deputy Collector (TW) in his counter-affidavit clearly stated that he did not receive any directions vide proceedings dated 20-10-2005 as pleaded by the petitioner.

In the circumstances, the Mandamus as prayed for cannot be granted. Accordingly, the Writ Petition is disposed of granting liberty to the petitioner to make an appropriate application before the Special Deputy Collector (TW), K.R. Puram, the 2nd respondent herein, for redressal of his grievance, if any. No costs.

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G. ROHINI, J.

Dt. 8-9-2006
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